

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

RADIO SYSTEMS CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:06-cv-118
)	(VARLAN/GUYTON)
JAMES RABY, a/k/a JAMES RABY)	
HAYDEN, d/b/a UNDERGROUND FENCING)	
and d/b/a SAFE PETS,)	
)	
Defendant.)	

TEMPORARY RESTRAINING ORDER

This matter is before the Court on plaintiff's motion that the Court issue, without notice, a temporary restraining order preventing defendant James Raby, a/k/a James Raby Hayden, d/b/a Underground Fencing, and d/b/a Safe Petes from transferring to anyone other than the Court or plaintiff the domain name UNDERGROUND FENCING.COM. [Doc. 7.] Plaintiff is the owner of the federally-registered trademark UNDERGROUND FENCE and alleges that defendant has wrongfully registered and/or wrongfully uses the domain name UNDERGROUND FENCING.COM in violation of 15 U.S.C. § 1125(d)(1), and seeks a court order pursuant to 15 U.S.C. § 1125(d)(1)(C) requiring that defendant transfer the domain name to plaintiff. Based upon plaintiff's brief in support of its motion, it is hereby ORDERED that:

In accordance with Rule 65(b) of the Federal Rules of Civil Procedure, defendant, all of defendant's agents, servants, employees, officers, attorneys, successors, and assigns, and all other persons in active concert or participation with them who receive actual notice of this order of the Court by personal service or otherwise, be temporarily enjoined from transferring, licensing, or

otherwise conveying the domain name UNDERGROUNDENCING.COM to anyone other than the Court or plaintiff.

This restraining order is being issued because plaintiff may suffer irreparable injury should defendant transfer the domain name to a third party. Moreover, it appears from the evidence that (1) defendant attempted to evade service of process and (2) in furtherance of his efforts to evade services of process, defendant has provided false contact information in the course of maintaining the registration of the domain name UNDERGROUNDENCING.COM, thereby making it more likely that defendant may preempt the remedy plaintiff is seeking by transferring the domain name to an individual or entity that is not a party to this action. On the basis of the apparent strength of plaintiff's case and the minimal risk of harm to defendant, no posting of security by plaintiff is required for issuance of this order.

This restraining order will be effective immediately at the time it is served upon defendant or when he is informed of the restraining order, whichever is earlier, and shall continue in full force and effect for a period of ten (10) days, unless it shall be extended within such time for good cause shown by plaintiff.

Entered this ____ day of September, 2006, at _____ a.m./p.m.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE